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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,583	09/09/2005	Egon Luther	GK-ZEI-3271 / 500343.2029	3812
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REED SMITH, LLP ATTN: PATENT RECORDS DEPARTMENT 599 LEXINGTON AVENUE, 29TH FLOOR NEW YORK, NY 10022-7650			EXAMINER KOVAL, MELISSA J	
			ART UNIT	PAPER NUMBER
			2862	
			MAIL DATE	DELIVERY MODE
			07/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,583	<b>Applicant(s)</b> LUTHER ET AL.	
	<b>Examiner</b> Melissa J. Koval	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>March 4, 2005</u> . | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.  
Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 3 through 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to an claims in the alternative only. The limitation "at least one of the preceding claims implies "and" rather than "or". See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: It is not clear if the camera comprises a housing only to contain the adapter or to house other claimed elements. The limitations "microscope-side" and "camera-side" require a further point of reference with respect to the overall device so that their orientation with respect to one another can be better understood. The structural orientation of the eyepiece optics with respect to the other elements is particularly unclear. The microscope itself must have

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eyepiece optics and therefore it is not clear how eyepiece elements may be part of the side connection piece.

The addition of elements set forth in the limitations of claim 2, do nothing to clarify the structural relationship of the elements of claim 1. Claim 2 is rejected for the same reasons already applied to claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee U.S. Patent 6,147,797 in view of Spitznas et al U.S. Patent 4,856,872.

Claim 1 sets forth: "Camera adapter (Adapter 80 shown in Figure 2 and also adapter 240 shown in the embodiment of Figure 6 of '797.) for optical devices, in particular microscopes (1) (microscope 5 of '797), which have an additional image out-coupling element (2) for photographic documentation of images (See Figure 2 with two unmarked connectors lead in/out from a side of the digital camera 90, attached to the microscope, and connected to output unit 100 and computer 110.), characterized in that the camera adapter which is to be arranged between the image out-coupling element (2) and the camera comprises a housing (4) (See cylinder 280 of adapter 240 shown in Figure 6 of '797) with two connection pieces (5, 6), in that the microscope-side

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connection piece (5) preferably has a quick-change device (8), and in that the camera-side connection piece (6) has a filter thread (10) (A variety of threaded elements are shown in Figure 6 on opposing sides of the adapter 240 and cylinder 280 of '797.) and eyepiece optics (8) (See eyepiece 40 and objectives 30 of '797. Also see Figure 4 and magnifying lens 83a of '797.).

Lee '797 teaches all of the elements of claim 1, except that Lee does not specifically state that the adapter is a quick change device.

Quick change devices in microscopes are well known in the art as shown by Spitznas et al '872.

See the ABSTRACT.

**An attachment for microscopes, in particular for stereomicroscopes, facilitates a contact-free viewing of an eye freely movable by the patient, in particular the fundus of the eye. Such an attachment must be easily and quickly attachable to the microscope and must deliver an image section of up to 120°. Moreover, the free movability of the eye must be assured and the attachment must also at high temperature be able to be sterilized quickly, without influencing the wearability of the attachment. This is achieved by an attachment having two lenses or lens systems, the distance between the systems being adjustable and the systems replacing the objective lens of the microscope. The housing of the attachment can be connected to the microscope through a screw or bayonetlike coupling. The outer lens of the attachment is arranged easily movably in axial direction relative to the housing, whereby all reciprocally movable and turnable parts of the attachment are provided with a coating, which consists of pressed and sintered PTFE polymers containing  $Al_2O_3$  particles.**

And see column 3, lines 6 through 49, of Spitznas et al. '872.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to fit the microscope of Lee '797 with a quick change adapter to

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add versatility to the microscope and for the benefit and ease of use of the medical personnel and patient.

With respect to claim 2, The ABSTRACT of '872 describes an image section delivered up to 120 degrees.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crockett U.S. Patent Application Publication US 2002/0197075 A1 teaches an eyepiece to instrument coupler.

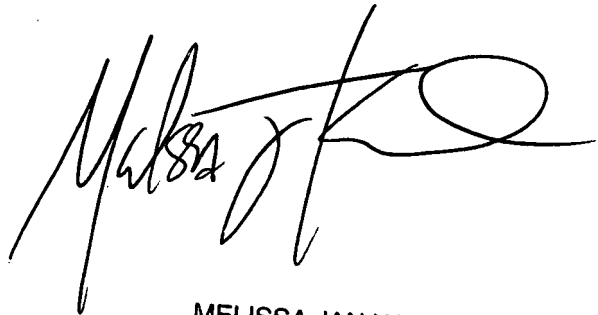
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melissa Jan Koval  
Primary Examiner  
Art Unit 2862  
MJK

A handwritten signature in black ink, appearing to read 'Melissa Jan Koval', with a large, stylized flourish at the end.

MELISSA JAN KOVAL  
PRIMARY EXAMINER